

AN ORDINANCE

03-O-0847

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BY ZONING COMMITTEE

AN ORDINANCE TO CORRECT CONDITION 23 TO Z-97-58, 98-0-0080, WHICH INADVERTENTLY REQUIRED A TRANSPORTATION MANAGEMENT PLAN BASED UPON ACTUAL TRAFFIC COUNTS FROM OCCUPIED BUILDINGS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT; AND FOR OTHER PURPOSES

WHEREAS, Z-97-58, 98-0-0080, rezoning property at 1300 Mecaslin Street, N.W. from I-2 to C-4-C for the development of Atlantic Station was adopted by City Council on April 6, 1998 and approved by the Mayor on April 13, 1998; and

WHEREAS, Section 2 of said ordinance provides that the Director, Bureau of Buildings, shall issue a building permit for the development of said property only in compliance with the conditions to the rezoning and said ordinance enumerates site plans as conditions in subsections 1 through 4 and references in subsection 5 the attached written conditions, Nos. 1-27; and

WHEREAS, Condition 23 requires a transportation management plan (TMP) be developed through the implementation of an annual commute mode survey taken from the day of initial occupancy of each tenant employing more than 50 employees; and

WHEREAS, Condition 23 also provides that the Bureau of Buildings shall not issue a building permit until such time as the applicant has submitted the TMP; and

WHEREAS, it is impossible to comply with Condition 23 since a TMP based on occupancy of buildings cannot be accomplished until building permits are issued to construct the buildings; and

WHEREAS, the Superior Court of Fulton County in an Order dated May 28, 2003 found that Chapter 27 of the City of Atlanta Zoning Code required a public hearing on this change in a condition to the original rezoning ordinance; and

WHEREAS, as a result of this ruling it is necessary for the City Council to reenact this ordinance after it has gone through the process set forth in Chapter 27 of the Zoning Ordinance.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

Section 1: Condition 23 shall remain as originally stated except that the first sentence of Condition 23 which reads as follows is hereby deleted:

The Bureau of Buildings shall not issue a building permit until such time as the applicant has submitted a transportation management plan (TMP) for all non-residential components.

and replaced with the following sentence:

The applicant is required to submit a transportation management plan (TMP) for all non- residential components within sixty (60) days of completion of the annual commute mode survey as set forth herein.

Section 2: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.